

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Co. Change of Zone 212

DATE: February 13, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: March 5, 2003

PROPOSAL: A change of zone from AG Agriculture to AGR Agricultural Residential

LAND AREA: 10.15 Acres, more or less

CONCLUSION: In conformance with the 2025 Comprehensive Plan.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A 10.15 acre part of Lot 36 Irregular Tracts in the SW 1/4 of Section 36, T 8 N, R 7 E of the 6th P.M., Lancaster County NE., see attached legal description.

LOCATION: Generally located at S. 96th Street and Stagecoach Road.

APPLICANT: Robert and Diane Niemeyer
20100 South 96th Street
Hickman, NE 68372
(402) 792-2794

OWNER: Robert and Diane Niemeyer

CONTACT: Robert and Diane Niemeyer
(402) 792 -2794

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: One residence and outbuildings

SURROUNDING LAND USE AND ZONING:

North: Ag land and two residences, zoned AG Agriculture, Wagon Train Lake further north.

South: Ag land, one residence, others to the southeast, zoned AG Agriculture

East: Ag land, zoned AG Agriculture

West: Ag land, zoned AG Agriculture

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from County AA Rural and Public Use to AG Agriculture in the **1979** Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Low Density Residential on the Land Use Plan (pg F 23). This is outside the Lincoln growth tiers. The 2025 Comprehensive Plan states:

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will continue. **Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized.** (F69)

“Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. (F70)

Acknowledge the “Right to Farm” and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages. (F70)

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F70)

Development of a performance standard “point system” will allow the location of higher density rural acreage development in either “AG” or “AGR” where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient “points” can be accumulated to justify the development at the requested location.” (F 71)

UTILITIES: This area is in the Lancaster Rural Water District #1.

TOPOGRAPHY: Gently rolling hills, falling off to the south and east.

TRAFFIC ANALYSIS: S. 96th Street is a paved county road to Wagon Train Road (a half mile road), about 1/4 mile north of this site. It is gravel to the south. Stage Coach Road and S. 110th are gravel.

PUBLIC SERVICE: This area is served by the Norris School District #160, the Hickman Rural Fire District, and is in the Norris Public Power District service area.

REGIONAL ISSUES: The location of acreage development and farming. Development around state lakes.

ENVIRONMENTAL CONCERNS: There is a cemetery north of this site (unnamed/Swiggart). There are no Historic resources identified on this site. A state lake is about one half mile north of this site. There are wetlands and flood plain in the immediate area (south and east). The soil rating is approximately 4.8 on a scale of 1 to 10, where 1-4 is prime soil. This is not prime agriculture soil. No feeding operations were noted in the area.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: Existing use of one dwelling.

ANALYSIS:

1. This proposal is for a change of zone on a 10.15 acre parcel to allow a future split to two lots.
2. This parcel is shown for future acreage development in the 2025 Comprehensive Plan. It is in conformance with the Plan.
3. The Health Department notes that the existing systems appear to be working, soils will have limitations for septs and a minimum of 3 acres be available, water information is not available.
4. Development potential of this land would be one dwelling unit under the AG zoning and about three dwellings under AGR zoning.
5. Some acreage review issues can be addressed in this report:
 - a) Water/rural water,
Ground water information is lacking for this parcel This is an area known for better quantity and quality water. This is in a rural water district.

- b) Road access and paving,
There is pavement via Hickman Road, So. 96th and Wagon Train Road to within 1/4 mile of this land..
- c) Soil rating,
The soil is not prime ag land of the county.
- d) Development of the area/land parcelization,
The land in this area is in larger parcels of 20, 40 and 80 acres to the west but substantially split into smaller acreage parcels to the north and east.
- e) Existing acreages,
There is acreage development in this immediate area, to the north, east and south, generally around the state lake.
- f) Conflicting farm uses,
There are no farm feeding operation or other conflicting farm uses noted in a field check.
- g) Environmental issues,
There are no known environmental issues with this land. There is flood plain, a state lake and wetlands to the east, southeast and northeast.
- h) Impact on other governmental entities,
This will increase demand for service on the Sheriff, Rural Fire, School and others. The level of impact is not known.
- i) Plans of other towns,
The Hickman Plan Horizon Plan (one mile beyond their ETJ) shows this area as Ag-residential with a future recreation trail up the Salt Creek tributary to Wagon Train Lake, past the south and east of this parcel..

Prepared by:

Mike DeKalb, AICP

Planner

S. 96th St.



Area of Application
from AG to AGR

Stagecoach Rd.

County Change of Zone #212 S. 96th St & Hickman Rd.



Lincoln City - Lancaster County Planning Dept.
1999 aerial

S. 96th St.

AG

Area of Application
from AG to AGR

Stagecoach Rd.

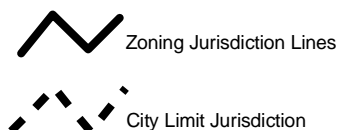
County Change of Zone #212

S. 96th St & Hickman Rd.

Zoning:

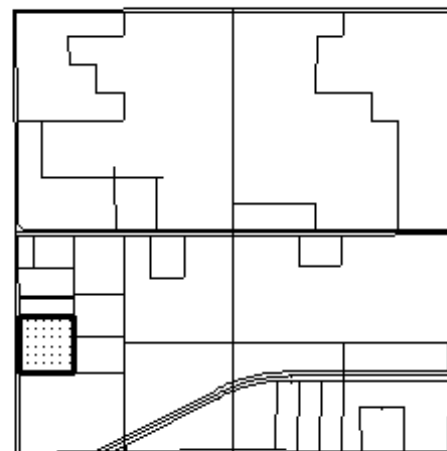
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 36 T8N R7E

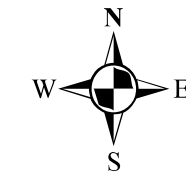


Hickman Rd.

S. 96th St.



Stagecoach Rd.



S. 110th St.

LEGAL DESCRIPTION: PARCEL 2

A part of Lot 36 of Irregular Tracts located in the Southwest Quarter of Section 36 Township 8 North Range 7 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southwest Corner of Section 36 Township 8 North Range 7 East of the 6th P.M., Lancaster County, Nebraska. THENCE in a Northerly direction on the West line of the Southwest Quarter of said Section 36 and on an assumed bearing of North 00 degrees 00 minutes 00 seconds East for a distance of 989.42 feet to the Southwest Corner of said Lot 36 and the **POINT OF BEGINNING**.

THENCE continuing in a Northerly direction on the last described course for a distance of 645.16 feet to a point 30.00 feet South of the Northwest Corner of said Lot 36.

THENCE South 89 degrees 52 minutes 16 seconds East on a line 30.00 feet South of and parallel to the North line of said Lot 36 for a distance of 686.03 feet to a point 33.00 feet South of the Northeast Corner of said Lot 36.

THENCE South 00 degrees 11 minutes 22 seconds West on the West line of Lot 33 of Irregular Tracts Extended South for a distance of 646.41 feet to a point on the South line of said Lot 36.

THENCE North 89 degrees 46 minutes 00 seconds West on the South line of said Lot 36 for a distance of 683.90 feet to the **POINT OF BEGINNING**.

Together with and subject to covenants, easements, and restrictions of record.
Said property contains 10.15 acres more or less.

The Purpose of this application is to change zoning from AG to AGR. We would like divide Parcel 2 (see legal description) into two lots of 3 acres and 7.15 acres.

The 7.15 acres would have the existing house and the 3 acres would become a lot we could build on. We would then sell the home after ours is built.

The 3 acres would have 180-190 feet of road frontage and would be 686.13 feet in depth. The rear 3rd of the lot will be adjusted in width to allow the lot to average 229 feet which is 1/3 the length of the proposed lot.

We have lived at this address for over 20 years and have ties to the community . We would like to remain at this location. Our existing house is to small and we would like to build a new house with most of what we need on one floor.

The existing acreages that have homes next to us on either side are in the 3 to 5 acre size, as are most of the acreages in our general area.

Official Survey Record

ALLIED SURVEYING AND MAPPING, INC.

Phone (402) 434-2686

Fax (402) 434-2687

6120 South 58th Street - Suite "A" - Lincoln, Nebraska 68516

LANCASTER County, Nebraska

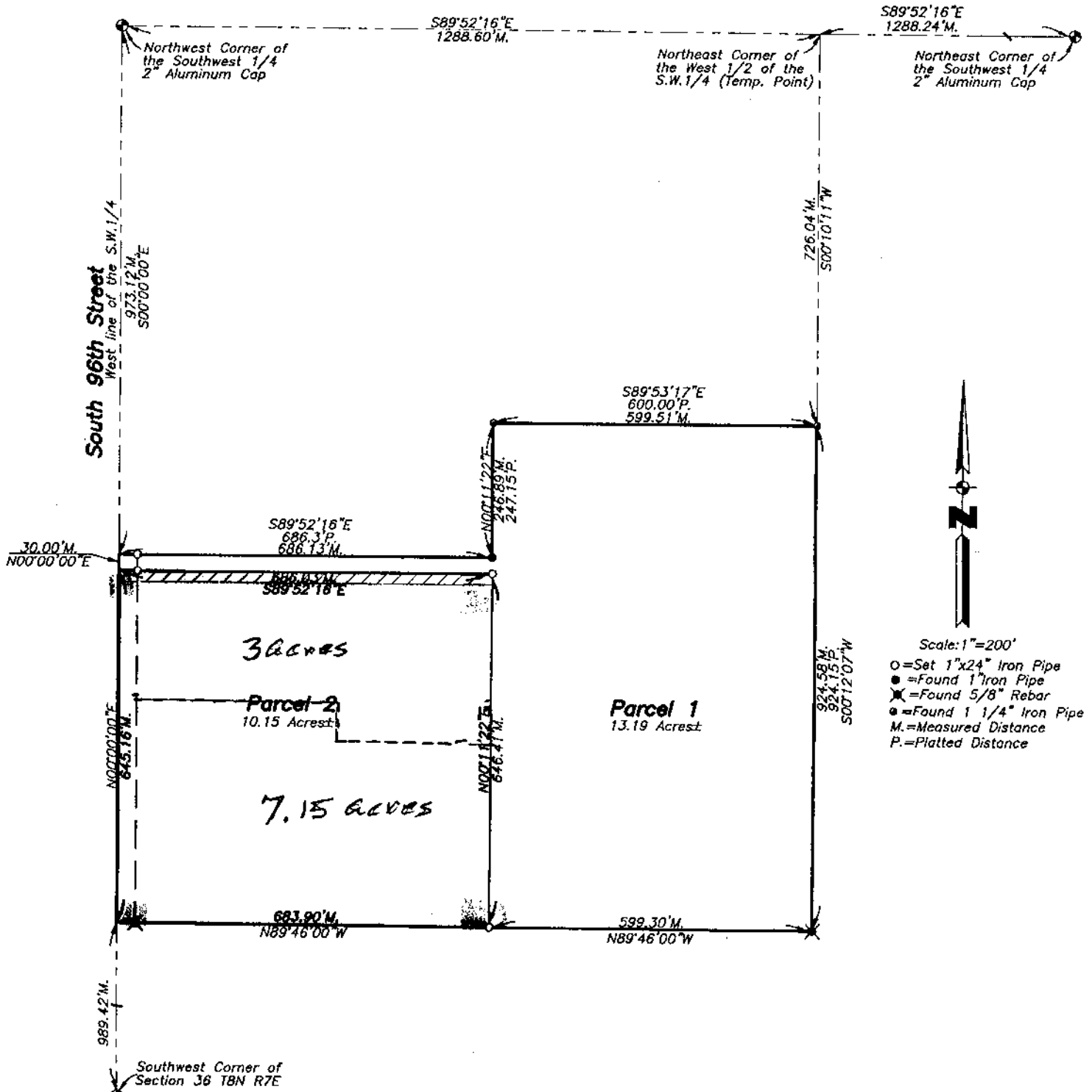
Survey of Lots 33 and 36 of Irregular Tracts located in the Southwest Quarter

of Section 36 T. 8 N., R. 7 East of the 6th P.M.

Job No. 31029

Sheet 1 of 2

June 20, 2002



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb	DATE: February 6, 2003
DEPARTMENT: Planning	FROM: Chris Schroeder Doug Smith, REHS
ATTENTION:	DEPARTMENT: Health
CARBONS TO: Bruce Dart, Director EH File EH Administration	SUBJECT: Change of Zone #212 County

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for change of zone and conducted an on-site inspection. The following items are noted.

7.15 Acre Parcel

- The on-site wastewater treatment system serving the existing home on the proposed 7.15 acre parcel is a combination of a pound and septic system. The system does not show any visible signs of malfunction. Adequate space exists for repair or replacement if a future failure were to occur.
- The existing home is served by a private well. Well construction is satisfactory. Bacteria and nitrate samples meet the requirements of a satisfactory drinking water supply.

3 Acre Parcel

- Soils maps indicate a mixture of Wymore and Judson soils. Wymore soils have severe limitations for septic systems. Judson soils have slight limitations for septic systems. Adequate space is available for the installation of a lagoon if necessary. It is important that a minimum of 3 acres be available to obtain a permit to construct an onsite wastewater treatment system.
- The LLCHD does not have any information to indicate that the quantity or quality of water would be a problem if a private well is constructed.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.